

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ASIM F. DURRANI, and
HUSSEIN HURAIBI,

Plaintiffs,

vs.

Case No: 05-72790

Honorable Denise Page Hood

Magistrate Judge Mona K. Majzoub

METROPOLITAN ANESTHESIA, PC,
and STEVEN ROTTER,

Defendants.

David A. Kotzian, PLLC
David A. Kotzian (P38308)
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Attorneys for Defendants
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DEFENDANTS' ANSWER TO COMPLAINT

Defendants Metropolitan Anesthesia, P.C. ("MAPC") and Steven Rotter ("Defendants")
respond to Plaintiffs' Complaint as follows:

PARTIES

1. Defendants are without knowledge or information sufficient to form a belief as to
the truth of the allegations contained in paragraph 1 of Plaintiffs' Complaint.

2. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of Plaintiffs' Complaint.

3. Defendants admit the allegations contained in paragraph 3 of Plaintiffs' Complaint.

4. Defendants admit the allegations contained in paragraph 4 of Plaintiffs' Complaint.

JURISDICTION AND VENUE

5. The allegations contained in paragraph 5 of Plaintiffs' Complaint state legal conclusions for which no response is required. Further responding, Defendants state jurisdiction is proper in this Court.

6. The allegations contained in paragraph 6 of Plaintiffs' Complaint state legal conclusions for which no response is required. Further responding, Defendants state venue is proper in this Court.

GENERAL ALLEGATIONS

7. Defendants admit the allegations contained in paragraph 7 of Plaintiffs' Complaint.

8. Defendants admit the allegations contained in paragraph 8 of Plaintiffs' Complaint.

9. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of Plaintiffs' Complaint.

10. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of Plaintiffs' Complaint.

11. Defendants deny the allegations contained in paragraph 11 of Plaintiffs' Complaint.

12. Defendants deny the allegations contained in paragraph 12 of Plaintiffs' Complaint.

13. Defendants deny the allegations contained in paragraph 13 of Plaintiffs' Complaint.

14. Defendants deny the allegations contained in paragraph 14 of Plaintiffs' Complaint.

15. Defendants deny the allegations contained in paragraph 15 of Plaintiffs' Complaint.

16. Defendants deny the allegations contained in paragraph 16 of Plaintiffs' Complaint.
17. Defendants deny the allegations contained in paragraph 17 of Plaintiffs' Complaint.
18. Defendants deny the allegations contained in paragraph 18 of Plaintiffs' Complaint.
19. Defendants deny the allegations contained in paragraph 19 of Plaintiffs' Complaint.
20. Defendants deny the allegations contained in paragraph 20 of Plaintiffs' Complaint.
21. Defendants deny the allegations contained in paragraph 21 of Plaintiffs' Complaint.

COUNT I
DISCRIMINATION UNDER THE ELLIOTT LARSEN CIVIL RIGHTS ACT

22. Defendants incorporate by reference their responses to paragraphs 1-21 of Plaintiffs' Complaint as if fully set forth herein.

23. The allegations contained in paragraph 23 of Plaintiff's Complaint state legal conclusions for which no response is required.

24. The allegations contained in paragraph 24 of Plaintiff's Complaint state legal conclusions for which no response is required. Further responding, Defendants deny any liability and wrongdoing.

25. Defendants deny the allegations contained in paragraph 25 of Plaintiffs' Complaint.
26. Defendants deny the allegations contained in paragraph 26 of Plaintiffs' Complaint.

COUNT II
RETALIATION UNDER THE ELLIOTT LARSEN CIVIL RIGHTS ACT

27. Defendants incorporate by reference their responses to paragraphs 1-26 of Plaintiffs' Complaint as if fully set forth herein.

28. The allegations contained in paragraph 28 of Plaintiff's Complaint state a legal conclusion for which no response is required. Further responding, Defendants deny any liability or wrongdoing.

29. Defendants deny the allegations contained in paragraph 29 of Plaintiff's Complaint.

30. Defendants deny the allegations contained in paragraph 30 of Plaintiff's Complaint.

31. Defendants deny the allegations contained in paragraph 31 of Plaintiff's Complaint.

COUNT III
VIOLATION OF 42 U.S.C. §1981

32. Defendants incorporate by reference their responses to paragraphs 1-31 of Plaintiffs' Complaint as if fully set forth herein.

33. The allegations contained in paragraph 33 of Plaintiff's Complaint state a legal conclusion for which no response is required.

34. The allegations contained in paragraph 34 of Plaintiff's Complaint state a legal conclusion for which no response is required. Further responding, Defendants deny any liability or wrongdoing.

35. Defendants deny the allegations contained in paragraph 35 of Plaintiff's Complaint.

36. Defendants deny the allegations contained in paragraph 36 of Plaintiff's Complaint.

COUNT IV
DEFAMATION

37. Defendants incorporate by reference their responses to paragraphs 1-36 of Plaintiffs' Complaint as if fully set forth herein.

38. Defendants deny the allegations contained in paragraph 38 of Plaintiff's Complaint.

39. Defendants deny the allegations contained in paragraph 39 of Plaintiff's Complaint.

40. Defendants deny the allegations contained in paragraph 40 of Plaintiff's Complaint.

41. Defendants deny the allegations contained in paragraph 41 of Plaintiff's Complaint.

42. Defendants deny the allegations contained in paragraph 42 of Plaintiff's Complaint.

43. Defendants deny the allegations contained in paragraph 43 of Plaintiff's Complaint.

44. Defendants deny the allegations contained in paragraph 44 of Plaintiff's Complaint.

45. Defendants deny the allegations contained in paragraph 45 of Plaintiff's Complaint.

NOTICE OF AFFIRMATIVE DEFENSES

Defendants Metropolitan Anesthesia, P.C. and Steven Rotter hereby give notice that they will rely on the following defenses:

1. Plaintiffs have failed to state claims as a matter of law.
2. Plaintiffs have failed to make reasonable efforts to mitigate their damages.
3. Plaintiffs cannot establish a *prima facie* case.
4. Plaintiffs cannot establish unlawful pretext.
5. Plaintiff Huraibi's defamation claim is barred by the applicable statute of limitations.
6. Any alleged defamatory statements were truthful.
7. Any alleged defamatory statements were privileged.
8. Defendants reserve the right to amend their affirmative defenses at any time.

WHEREFORE, Defendants Metropolitan Anesthesia, P.C. and Steven Rotter respectfully request that this Court enter a judgment of no cause of action against Plaintiffs and dismiss their claims with prejudice and award Defendants their costs and attorneys' fees in defending this action.

Respectfully submitted,

HONIGMAN MILLER SCHWARTZ AND COHN LLP
Attorneys for Defendants

By s/ Russell S. Linden

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Dated: July 21, 2005

DETROIT.1841761.1

CERTIFICATE OF SERVICE

I hereby certify that on Thursday, July 21, 2005, I electronically filed the foregoing papers with the Clerk of the Court using the ECF system; which will send notification of such filing to the following: David A. Kotzian, Esq.

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